

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10021118-1

2FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert M. R. Neff

Serial No.: 10/616,794

Examiner: DANG, T. O.

Filing Date: July 10, 2003

Group Art Unit: 2823

Title: TUNABLE DIFFERENTIAL TRANSCONDUCTOR AND ADJUSTMENT METHOD

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond
☐ New fee as calculated below ☐ Supplemental Declaration
☐ No additional fee (Address envelope to "Mail Stop Amendments")
☐ Other: (Fee \$_____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 ST MONTH 120.00 <input type="checkbox"/>	2 ND MONTH 450.00 <input type="checkbox"/>	3 RD MONTH 1020.00 <input type="checkbox"/>	4 TH MONTH 1590.00 <input type="checkbox"/>		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2 5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Robert M. R. Neff

By

Frank C. Nicholas
Attorney/Agent for Applicant(s)

I hereby certify that this correspondence is being Deposited with the United States Postal Service as First class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

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Typed Name: FRANK C. NICHOLAS (33,983)

Signature:

Reg. No. 33,983

Date: January 27, 2005

Telephone No. 847-905-7111

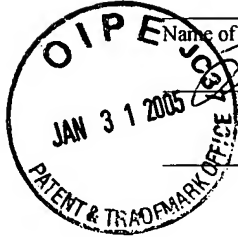
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January 27, 2005
(Date of Deposit)

FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative

Signature

January 27, 2005
Date of Signature



PATENT
Case No. 10021118-1
(8750/22)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:)	
ROBERT M. R. NEFF)	
)	
Serial No.: 10/616,794)	Group Art Unit No.: 2823
)	
Filing Date: JULY 10, 2003)	
)	
Title: TUNABLE DIFFERENTIAL)	Examiner: DANG, T. O.
TRANSDUCTOR AND)	
ADJUSTMENT METHOD)	

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

DATED DECEMBER 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Election/Restriction Requirement dated December 28, 2004.
The Applicant respectfully traverses and requests reconsideration of the election/restriction requirement. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13. The Applicant wishes to thank the Examiner for reconsideration of the earlier election/restriction requirement.

Claims 1-13 drawn to a tunable differential transconductor (Group I) and claims 14-24 drawn to a method for tuning a differential transconductor (Group II) are not distinct such that a restriction for examination purposes is proper.


The Applicant respectfully submits that the Examiner errs in finding that the product as claimed can be used in a materially different process of using that product, as required to support the conclusion that the groups are distinct under MPEP §806.05(h). The Examiner provides the example of using the transconductor of the Group I invention in a process of varying the gain of an amplifier system for radio frequency signals. This is not a "materially different process," but an application of the process as claimed. The exemplary use would require the Group II process of changing the effective channel dimension of at least one of the composite FETs of the transconductor to vary the amplifier system gain. Therefore, the exemplary use is not a "materially different process" showing that the groups are distinct under MPEP §806.05(h), but an application of the same process.

Reconsideration of the election/restriction requirement is respectfully requested in light of the remarks herein. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13.

Dated: **January 27, 2005**

Respectfully submitted,
Robert M. R. Neff

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